

reaffirmation agreement must fill this form out. Based on the information provided on the form, certain situations will then obligate the court to review such agreements in order to determine if the reaffirmation agreement is truly within the debtor's best interests.

In constructing this compromise amendment, I think we have achieved some very important goals. First and foremost, we want everyone to recognize that a reaffirmation agreement is a very weighty decision, and that the individual needs to understand—whether they are represented by counsel or not—all the ramifications of the agreement into which he or she is entering. In fact, the individual needs to understand that they in no way need to file a reaffirmation agreement.

Another vital issue is to have the court review such cases in which the debtor wants to reaffirm his or her debt, but in calculating the difference between the person's income and all their monthly expenses, it remains impossible for the debtor to do so. In other words, there exists a presumption of undue hardship upon the person. It is at that point that we want the court to have the ability to step in and say to this person, that either they have the ability to repay some of this debt because of other sources of funds—such as a gift from the family—or that they do not, and therefore the reaffirmation cannot be approved by the court.

Without this amendment, we are concerned that the abuses in the reaffirmation system that we have seen will continue to occur, and the courts may continue to be left in the dark with respect to the existence of these agreements, let alone have the option to review them. This amendment is not perfect, and if given the choice, I probably would have preferred to go even further than we have in our language. With that said, I think it's still important to note that with this amendment, we have given our courts and consumers the appropriate tools that will provide them with the necessary information to make decisions that are in the individual's best interests, not the creditor's. That is a crucial point that I wanted to emphasize.

I appreciate all the efforts of those involved in the process that went into constructing this compromise amendment, and I am confident that it strengthens the hands of our courts, and more importantly, the minds of our consumers as they make decisions that will weigh upon them for the rest of their lives.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota yields to the Senator from Missouri for 7 minutes.

Mr. WYDEN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I would like to ask unanimous consent to

speak for up to 5 minutes after the Senator from Missouri has spoken.

Mr. WELLSTONE. Mr. President, I am going to have to object. I am willing to let some people speak, but I have been waiting for 3 days to get this amendment up and to get this debated.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, if I could direct an inquiry, through the Chair, to the manager of the bill, it is my understanding that the majority leader has asked—and he has spoken to the Senator from Minnesota—that his amendment be set aside for purposes of the senior Senator from Connecticut to offer an amendment. The debate time on that would be—

Mr. GRASSLEY. Five minutes on our side and 5 minutes on the other side.

Mr. REID. Following the disposition and a vote on the Dodd amendment, Senator WELLSTONE, who has been waiting all week to offer his amendment, would get the floor to which he is now entitled.

The PRESIDING OFFICER. At the present time, there is a unanimous consent agreement for the Senator from Missouri to speak for 7 minutes.

Mr. REID. Objection. I object, and I do so, Mr. President, on the basis of—

The PRESIDING OFFICER. That was already agreed to.

Mr. REID. No, it wasn't.

The PRESIDING OFFICER. I am afraid it was. Senator ASHCROFT has 7 minutes.

Mr. REID. OK, the Senator from Missouri.

Following that, is Senator DODD going to be recognized? Has the unanimous consent request been accepted?

The PRESIDING OFFICER. There has not been an agreement to that effect. The Chair will entertain one.

Mr. WELLSTONE. I would object. The only thing I agreed to is Senator ASHCROFT being allowed to speak for 7 minutes; then I retain the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Missouri is recognized for 7 minutes.

Mr. ASHCROFT. I thank the Chair. And I thank my colleagues for allowing me this time.

#### DAKOTA WATER RESOURCES ACT

Mr. ASHCROFT. Mr. President, I am here on the floor today to talk about one of Missouri's most important natural resources, and that is the Missouri River. There is a bill that another Member is trying to pass by unanimous consent that would threaten the Missouri River. I am making it clear that I have an objection to this bill, and I am firm on this issue.

On Friday around 4 p.m., 52 bills were hot-lined to be passed by unanimous consent in the Senate. Most of the time, Members pass bills by unanimous consent that are noncontroversial. However, buried in this list of 52 bills was one that I am opposed to, S. 623, the Dakota Water Resources Act. I am

opposed to it because it would divert a substantial amount of water out of the Missouri River. The bill that I am objecting to authorizes \$200 million to divert additional water from the Missouri River system to the Cheyenne River and the Red River systems. This is an inter-basin transfer of water which could have substantial impacts all along the Missouri River basin. I do not blame the North Dakota Senators for fighting for this, but it hurts my State and it hurts other States, and I cannot consent to its approval by unanimous consent. Apparently, this bill has broad opposition by many different parties along the Missouri River. It is a very controversial provision and should not be passed in the dead of night on a consent calendar with a lot of noncontroversial bills.

This is opposed strongly by the Governor and the Department of Natural Resources in Missouri. It is opposed by Taxpayers for Common Sense. It is opposed by a host of environmental groups—including the National Wildlife Federation, the National Audubon Society, Friends of the Earth, and American Rivers. The Canadian Government opposes this bill and has opposed the program it authorizes for decades, claiming that it violates a 1909 United States-Canada Boundary Waters Treaty. The Governor of Minnesota opposes this measure. The Minnesota State Department of Natural Resources opposes it, and the list goes on.

It is too early in the process for me to clear this bill. There are too many questions that remain to be answered. There are too many related issues that the States are negotiating at this time. We are awaiting the recommendations of the Corps of Engineers on how much additional water they intend to reserve for Dakota purposes. The senior Senator from Missouri and I will continue to object. As a result of our objections, the sponsor of the bill is holding up 51 other unrelated bills.

Let me be clear. These 51 holds are not related to the longstanding dispute between North Dakota and Missouri and many other parties over the water allocation in the Missouri River. Therefore, Senator BOND and I will not be pressured into lifting our hold on a bill that will harm the livelihood of the people of Missouri. These types of interstate river disputes that have been going on for years simply should not be resolved without all interested parties involved and without adequate consideration given to the ecological and commercial effects.

From the farm to the factory, the Missouri River creates jobs in the Midwest. The Missouri River is a stable water supply and a source of hydro power for major cities. We must be very cautious about changing water levels along the Missouri River in order to maintain the recreational opportunities for local communities, as well as hatcheries for fish and flyways for migratory birds.

I regret that important unrelated and noncontroversial measures are being held up by the sponsors of S. 623, but I cannot consent to passage of this bill at this time. The water flow of the Missouri River is too important to the livelihood of numerous metropolitan areas and small cities, and transportation and industry not only in Missouri but all along the waterway. We must deal with this measure reasonably and in the context of real negotiations, not as a matter of consent to be undertaken without full discussion by the parties.

I thank the Senate for my opportunity to reference my position on this issue. I yield the remainder of the time.

#### BANKRUPTCY REFORM ACT OF 1999—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized to introduce an amendment.

AMENDMENT NO. 2752

(Purpose: To impose a moratorium on large agribusiness mergers and to establish a commission to review large agriculture mergers, concentration, and market power)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. DASCHLE, Mr. DORGAN, and Mr. HARKIN, proposes an amendment numbered 2752.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of Friday, November 5, 1999, under "Amendments Submitted.")

Mr. WELLSTONE. Mr. President, I say to colleagues that I will start out—though my guess is that very soon we will probably have an agreement that will enable us to go to an amendment that will be 10 minutes altogether and then a vote for those who need to leave town. I will start out. I want to say to colleagues, this isn't going to be a long debate, and we'll go back to it on Wednesday. Several colleagues have questions and I will start out that way.

Mr. DORGAN. Will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. Yes.

Mr. DORGAN. Mr. President, I must respond to the comments made by our distinguished colleague from Missouri and comments made by his colleague from Missouri yesterday, as well, with respect to the Dakota Water Resources project in North Dakota. The legislation that was being referenced is profoundly misunderstood. In fact, the Dakota Water Resources Act (S.623) reduces the authorization of the water project. It doesn't expand it; it dra-

matically reduces it—cutting authorized irrigation from 130,000 to 70,000 acres and deauthorizing several project features.

It also fully protects the interests of the State of Missouri. Nevertheless, one letter from the State of Missouri, written today and delivered to us, complains about the Dakota Water Resources project. In so doing, the letter describes a completely separate and unrelated project (the Devils Lake outlet), which has nothing to do with this at all. So there is a profound misunderstanding here about the facts and circumstances affecting two distinct projects.

I might say, additionally, that the Dakota Water Resources Project is not some dream somebody just had in the last day or two. My State has a Rhode Island-sized flood that has visited us permanently, forever. The Federal Government said, if you will keep a flood forever, you can move some of the water behind the dam around North Dakota for your beneficial purposes. Why did the Government want the permanent flood in North Dakota? The reason was to prevent Missouri River flooding at St. Louis and dozens of other downstream communities.

North Dakota said, fine. The downstream states have flood protection and a lot of the benefits. We agree with that. We support that.

But we have not gotten the benefits, after these many decades, that we were promised, in turn, from a multi-purpose water project. It has been pared back and back, and the legislation just discussed on the floor by my colleague from Missouri shrinks it even further. In fact, we have proposed further protection for Missouri, because one of the objections by the Senator from Missouri was that this project would use water from the Missouri River and Missouri really wants that water. He doesn't feel that the equivalent of one-tenth of a foot off the Missouri River at St. Louis should be used in North Dakota. So we have proposed there be no reduction in water going through St. Louis. We would manage the water impounded by the Garrison Dam in a way that guarantees there would be no reduction in the Missouri River water for St. Louis.

I make the point that the comments made by the Senator from Missouri and his colleague from the same State, in my judgment, and with great respect, profoundly misstate what we are doing. This bill shrinks the authorized project dramatically and would not produce anything like the kind of results that have been alleged. In fact, we believe this project is good for Missouri and all of the States in the Missouri Basin and in the region.

Several Senators addressed the Chair.

Mr. WELLSTONE. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. WELLSTONE. I would be pleased to yield for a question.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. WELLSTONE. I am pleased to yield for a unanimous consent request. I ask unanimous consent that I regain the floor following the agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the pending consent regarding the Wellstone amendment be temporarily suspended and the Senate now resume the Dodd amendment No. 2532, and there be 10 minutes remaining and a vote occur on or in relation to the amendment at the end of that time. I further ask consent that the Senate then turn to the Wellstone amendment and that all debate but 1 hour equally divided be used during the session of the Senate today. I also ask that 1 hour of debate occur on Wednesday, November 17, and a vote occur on or in relation to the amendment at the conclusion or the yielding back of time, provided that a vote in relation to the Wellstone amendment occur prior to a cloture vote, if cloture is filed on the bill.

Mr. REID. Reserving the right to object, Mr. President, it is my understanding there would be a vote on the Dodd amendment this evening, is that correct?

Mr. GRASSLEY. Yes.

Mr. CONRAD. Reserving the right to object. Mr. President, I would like 5 minutes before we go to the vote to have a chance to also respond to statements made by the Senators from Missouri over the last couple days with respect to the water project in North Dakota. If I could get that consent, I certainly would not object.

Mr. REID. Mr. President, reserving the right to object, if I could say to the proponent of the unanimous consent request, it has been brought to my attention that instead of 10 minutes, we will need 15 minutes equally divided. I am sure he would have no objection to that. We have no objection, I say to the Senator from North Dakota. Does anybody else need to respond to that?

Mr. ASHCROFT. I have no objection to the statements of the Senators from North Dakota. I made my position clear. This issue has been well known for a couple of decades now.

Mrs. FEINSTEIN. Mr. President, reserving the right to object, I have two amendments that have been moved and laid aside. I would like to have a time when I might take those amendments off the desk and have a brief period of debate and a vote.

Mr. REID. Mr. President, if I may respond, I say to my friend from California that we are now using the good graces of the Senator from Minnesota to get this agreement. One reason the two leaders want us to come back for a vote in 15 or 20 minutes is so they can advise the Senate as to what is going to transpire in the next few days. I don't know, under the present framework, how—this may be the last vote. I would assume this would be the last vote tonight.